

**Notice of Allowability**

Application No.

10/761,133

Examiner

Bryan R. Muller

Applicant(s)

DUE, JOSEPH E.

Art Unit

3723

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP'1308.

1. ☒ This communication is responsive to amendments filed 6/13/2005.
2. ☒ The allowed claim(s) is/are 1-9, 11-23, 30 and 31.
3. ☒ The drawings filed on 20 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4/19/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Karen Fitzsimmons on 8/24/2005.
3. The application has been amended as follows:
  - The phrase "wherein the hand-held engraver is removable from the carrier as a separate, operable unit" has been added after the word "surface" in line 8 of amended claim 1 filed 6/13/2005.
  - The phrase "the hand-held engraver is removable from the carrier as a separate, operable unit," has been removed from lines 1 and 2 of amended claim 2 filed 6/13/2005.
  - Claims 24-29 have been cancelled.
  - Claim 30 has been amended to read as follows:
    30. (Currently Amended) A method of engraving a concrete working surface, the method comprising:
      - a) providing a an engraver apparatus, the engraver apparatus including:
        - i) a carrier having a main body defining an enclosure, a handle extending from the main body and a vacuum mount:

- ii) a separate, operable hand-held engraver; and
  - iii) a vacuum having a vacuum tube:
    - b) attaching the vacuum tube to the vacuum mount of the carrier;
    - c) mounting the hand-held engraver to the main body of the carrier;
    - d) operating the hand-held engraver; and
    - e) evacuating particles loosened by the hand-held engraver by the operation of the vacuum; and
    - f) removing the hand-held engraver from the carrier for use as a separate, operable engraver unit.
- Claim 32 has been cancelled.

4. The following is an examiner's statement of reasons for allowance: The art of record (considered as a whole) neither anticipates nor renders obvious an engraver apparatus comprising a carrier including a main body that defines an enclosure with a vacuum mount in communication with the enclosure and a separate operable hand-held engraver mounted to the carrier such that a rotary head of the hand-held engraver is located within the enclosure in combination with the rest of the claimed limitations set forth in the independent claim.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

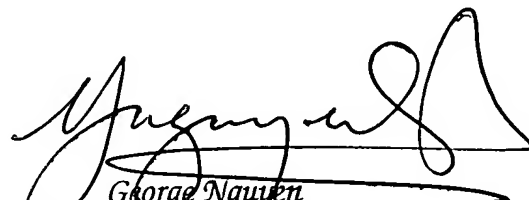
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BRM BRM  
8/24/2005



George Nguyen  
Primary Examiner